HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24301 of 2006

Dated:22.11.2006

Between:

Bathina Veerabadhra Reddy and another.

…Petitioner

and

The State of A.P., and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24301 of 2006

ORDER:

The two petitioners filed the Writ Petition assailing the notice dated 31.10.2006 issued in Form-I under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short 'the Rules'), calling upon the petitioners to show cause as to why action should not be taken for resumption of the land in their possession for alleged contravention of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). After receiving the notice, the petitioners submitted explanation on 18.11.2006, *inter alia*, alleging that the provisions of the Act and the Rules are not applicable to the land in Survey Nos.23 and 24 totally admeasuring Acs.15.02 cents, and that the land in their possession is a patta land. They also denied the allegation that it is an assigned land. It is alleged that even before the Mandal Revenue Officer could consider the representation/explanation submitted by them, there is a serious threat of dispossession, apprehending which, the present Writ Petition is filed.

After hearing the learned Counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment), this Court is convinced that the Writ Petition against notice is not maintainable. However, this Court observes that unless and until a

proper enquiry is conducted by the third respondent after considering the explanation submitted by the petitioners on 18.11.2006 and appropriate order is passed under Section 4 of the Act, the petitioners have a right to continue in possession of the land. This observation would be sufficient safeguard for the petitioners for the present.

The Writ Petition, with the above observation, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

22.11.2006

Note: Issue C.C by in two days.

B/o.

vs